reception of them being purely within the discretion of the court. *Northern Securities Co. v. United States* (1903) 191 U. S. 555, 24 Sup. Ct. 119; *Dillon v. Streathearn Steamship Co.* (1919) 250 U. S. 638, 39 Sup. Ct. 495. The lower federal courts have consistently followed this practice in cases involving ships requisitioned by a foreign government. *The Roseric* (1918, D. N. J.) 254 Fed. 154; *Earn Line Steamship Co. v. Sutherland Co.* (1920, C. C. A. 2d) 264 Fed. 276; but see *The Florence H.* (1918, S. D. N. Y.) 248 Fed. 1012. The method would seem to be the most expeditious one, and there is little likelihood of its abuse. In the instant case the court refrained from deciding whether the *Gleneden* was subject to a civil suit *in rem* in the federal courts. The lower federal courts, as well as the English courts, have generally held that such a suit could not be brought against a ship requisitioned by a foreign government. *The Adriatic* (1919, C. C. A. 3d) 258 Fed. 902; *The Broadmayne* [1916, C. A.] P. 64; *contra, The Attualita* (1916, C. C. A. 4th) 238 Fed. 909. The ship may be immune from arrest and yet the owners may be liable for negligence in a suit *in personam*. The real foundation for the immunity of foreign public ships rests on courtesy and a recognition of the complete sovereignty of the foreign state, and it may well be as discourteous and embarrassing to a foreign nation to arrest a ship which it does not own but merely controls, as to hold a ship to which it has full title. With the growth of government ownership and operation throughout the world this problem is constantly becoming more pressing.

PERSONS—ALIENATION OF AFFECTIONS—ACTION AGAINST PARENTS OF HUSBAND UNDER AGE OF LEGAL CONSENT.—The defendants brought an action to annul the marriage of their son, because he had not attained the age of legal consent. Pending the annulment action, they made false representations concerning the plaintiff, their son's wife, which caused him to leave her. The plaintiff sued for alienation of his affections. The marriage was subsequently annulled. *Held*, that the action for alienation of affections would not lie. Putnam, J., *dissenting*. *Wolf v. Wolf* (1920) 194 App. Div. 33, 185 N. Y. Supp. 37.

New York, in accord with the weight of modern authority, allows the wife to recover for alienation of her husband's affections. *Bennett v. Bennett* (1889) 116 N. Y. 584, 23 N. E. 17; Code Civ. Proc. sec. 450. And the action lies against the parents of either spouse, if they acted from improper motives. 13 R. C. L. 1471. A parent is privileged to advise his son to leave his wife, provided he acts in good faith and reasonably believes that it is for the son's good. *Wilson v. Wilson* (1916) 115 Me. 341, 98 Atl. 938; *Bourne v. Bourne* (1919, Calif. App.) 185 Pac. 489. But a parent is not privileged to do so if he acts because of ill will toward the wife. *Lanigan v. Lanigan* (1915) 222 Mass. 198, 110 N. E. 285; *Melcher v. Melcher* (1918) 102 Neb. 790, 169 N. W. 720. The marriage, in the instant case, was void, not *ab initio*, but only from the time its nullity was decreed by the court. Domestic Relations Law (Consol. Laws, ch. 14) sec. 7; *Houle v. Houle* (1917) 100 Misc. 28, 166 N. Y. Supp. 67. And it would therefore seem to be a valid marriage for all civil purposes until the decree of nullity. *State v. Lowell* (1899) 78 Minn. 166, 80 N. W. 877. The majority opinion, however, holds the *quo animo* of the parent immaterial, where the child was under the age of legal consent. The view of the dissenting opinion is that false representations concerning the wife are never privileged and that parental interference is privileged only when it comes within the above rule. The dissenting opinion seems to advance the sounder view.

QUASI-CONTRACTS—CONTRIBUTION BETWEEN JOINT TORT-FEASORS.—The plaintiff was driving his car along a highway at a lawful rate of speed and using due care. The defendant, approaching from a side street, negligently drove his motor truck across the highway directly in front of the plaintiff's car. To

avoid a collision the plaintiff turned his car to one side, and in so doing ran up on the side walk and struck a pedestrian. The pedestrian sued the plaintiff and recovered. The plaintiff brought this action to recover indemnity from the defendant. *Held,* that the plaintiff could recover only if at the time of the accident he was not actively negligent, and the defendant alone could have prevented it by using ordinary care. *Knippenberg v. Lord & Taylor* (1920) 193 App. Div. 753, 184 N. Y. Supp. 785.

In Missouri contribution between joint tort-feasors is allowed by statute. See Rev. St. Mo. 1909, sec. 5431; *Eaton v. Miss. Valley Trust Co.* (1906) 123 Mo. App. 117, 100 S. W. 551. It is usually stated, however, as axiomatic that contribution will not be allowed. *Merryweather v. Nixan* (1799, K. B.) 8 T. R. 186; *Union Stockyards Co. v. Chicago B. & Q. Ry.* (1904) 196 U. S. 217, 25 Sup. Ct. 226. However, since the time this so-called general rule was first announced, the courts have engrafted several exceptions: (1) Where the liability of the plaintiff who seeks contribution was merely a result of his relation to the defendant, as of master to servant. *Wooley v. Batte* (1826, N. P.) 2 Car. & P. 417; *Bailey v. Bussing* (1859) 28 Conn. 455. (2) Where the defendant against whom contribution is sought was under a so-called primary duty to prevent the injury, as where a lessor has covenanted to repair. *Prescott v. Le Conte* (1903) 83 App. Div. 482, 82 N. Y. Supp. 411; *Pullman Co. v. Hoyle* (1908) 52 Tex. Civ. App. 534, 115 S. W. 315. (3) Where, as said in the instant case, the defendant alone was actively negligent or could have prevented the injury by using ordinary care. *Township v. Noret* (1916) 191 Mich. 427, 158 N. W. 17; *Nashua Iron Co. v. Worcester Ry.* (1882) 62 N. H. 159. (4) Where the joint wrong was not conscious or wilful, but merely negligent. There seems to be a strong tendency toward the adoption of this rule, although the cases so holding are still in the minority. *Mayberry v. Northern Pac. Ry.* (1907) 100 Minn. 79, 110 N. W. 356; *Hobbs v. Hurley* (1918) 117 Me. 449, 104 Atl. 815. It has been even argued that this always was the law. See T. R. Reath, *Contribution Between Persons Jointly Charged for Negligence* (1898) 12 HARV. L. REV. 176 ff. It is submitted that the court in the instant case should have reached the same decision by adopting this view instead of seeking justice for the plaintiff under the doctrine of last clear chance. See Bohlen, *Contributory Negligence* (1908) 21 HARV. L. REV. 233, 242.

SALES—WARRANTY OF TITLE—WHERE SALE BY VENDEE WOULD BE INFRINGEMENT OF TRADE MARK.—The plaintiffs purchased for cash from the defendants one thousand cans of "Nissly" brand milk. The Nestlé company subsequently having established their right to the trade mark against other parties, the plaintiffs sold the milk without the labels and consequently at a lower price. They now sued the defendants for the purchase price, or alternatively, for damages. *Held,* that there was no right of recovery. *Niblett v. The Confectioners' Materials Co.* (1920, K. B.) 37 T. L. R. 103.

This case was decided on the basis of the analogy to a case where the goods constituted an infringement of a patent. In the patent cases in this country, one case has denied the existence of a warranty of title. *Lowman v. Excelsior Stove Co.* (1894) 104 Ala. 367, 16 So. 17. Some have assumed the existence of such a warranty, whereas others have expressly affirmed it. *The Electron* (1896, C. C. A. 2d) 74 Fed. 689; Uniform Sales Act, sec. 13 (3). Assuming a warranty of title, the next question is whether a breach has occurred. Where the owner of a patent has threatened suit, there is no breach unless the owner has been shown clearly to have the right. *Geist v. Stier* (1890) 134 Pa. 216, 19 Atl. 505. Nor is mere notice of infringement a breach. *Consolidated Phosphate v. Sturtevant* (1917) 20 Ga. App. 474, 93 S. E. 155. Nor the filing of a claim for damages where the patent has been upheld by a court in a